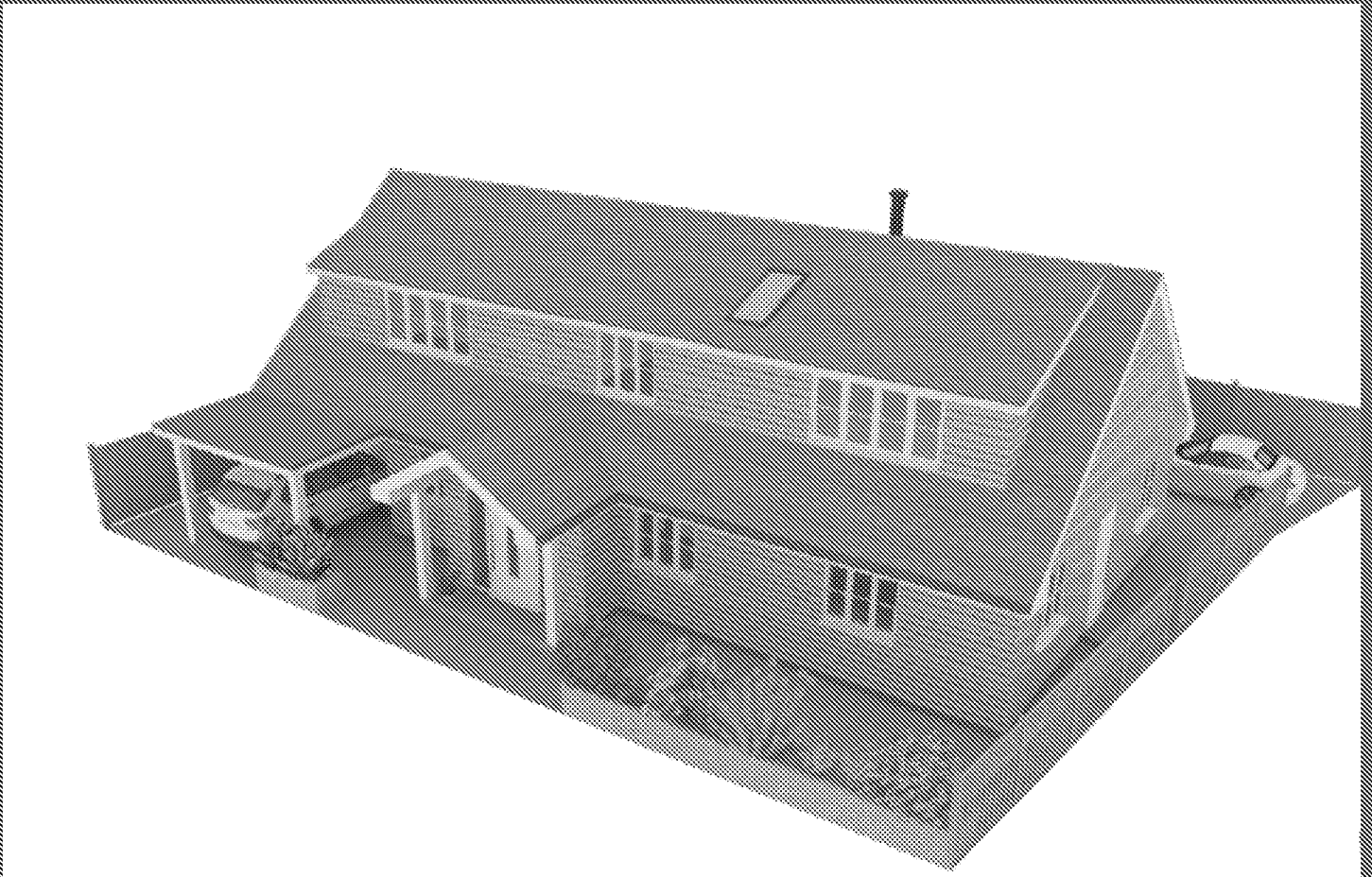


5A Tuscan Avenue and 6 Main Drive, Middleton-on-Sea

Demolition of existing properties and
erection of new building comprising 1no
3bed dwelling and 1no 1bed flat.



Planning Statement

APRIL 2018

APPLICANT: MR & MRS GREENWAY

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1.0 SITE CONTEXT

- 1.1 The application site comprises a detached property of 2 storeys with gardens to the front and rear. The site is flat, measuring approximately 0.03 hectares in size and there are no trees affected by your proposal.
- 1.2 The site was historically subdivided without planning permission and as such is now lawfully occupied by two units of accommodation following the granting of a certificate of lawfulness under reference M/109/16/CLE.
- 1.3 The area is part of a residential street comprising a mixed character consisting of detached and semi-detached chalet bungalows set in medium plots set back from the highway with gardens to front and rear within a suburban environment.

2.0 PLANNING POLICY CONTEXT

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Current Policy Framework

- 2.2 Whilst the 2003 Local Plan remains the development plan for the district, the wider planning landscape has changed considerably since 2006. Regional planning, previously contained in the West Sussex Structure Plan and the South East Plan, no longer exists in the planning system whilst national planning policy and guidance are now consolidated and contained in National Planning Policy Framework and the National Planning Policy Guidance. Neighbourhood Planning has also been introduced by The Localism Act in 2011.
- 2.3 The refusal notice refers to saved policies GEN3 and GEN7 of the Arun District Local Plan.
- 2.4 Policy GEN7 is titled *"The Form of New Development"*. The supporting text at paragraph 1.40 states: *"It is important that new development, whether it is for residential, industrial, commercial or other purposes, makes a positive contribution to the quality of the environment. The District Council will expect good design, especially in sensitive areas and sites which are visible from public places, open spaces, roads, etc. The above policy summarises the District Council's normal development control criteria and adopted standards which will be applicable to all development proposals."*

Neighbourhood Plan

- 2.5 There is no Neighbourhood Plan for Middleton-on-Sea.

Emerging Local Plan

- 2.6 The Regulation 19 consultation of the Arun Local Plan 2011 – 2031 has finished and the document was submitted to the Secretary of State for examination in 2015 but that examination has now been deferred for a period of at least 2 years whilst the issue of housing supply is addressed. Although some very limited weight can be given to emerging policies, this depends on the extent of unresolved objections to policies and their consistency with the National Planning Policy Framework.
- 2.7 Policy SD SP1 outlines the council's commitment to reflect the presumption in favour of sustainable development as contained in the NPPF. Policy H DM1 seeks a mix of housing types and sizes, D DM1 requires a high standard of design in new development, D DM2 sets internal space standards and D DM3 covers external space standards.

National Planning Policy Framework

- 2.8 National planning policy is now contained in the National Planning Policy Framework (NPPF) which was published on 27th March 2012. It replaced the majority of the PPS and PPG documents and is a material consideration in the determination of planning applications. In the absence of an up-to-date local plan, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. A presumption in favour of sustainable development is at the heart of the NPPF.
- 2.9 Paragraph 14 states that for decision making, this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.
- 2.10 Paragraph 49 states that Housing applications should be considered

in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Housing Supply

- 2.11 The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF). Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify more suitable land supply to meet additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016. Additional strategic sites are being assessed and allocated to meet this higher figure.
- 2.12 Current estimates are that the LPA has just a two year supply of housing.
- 2.13 The National Planning Practice Guidance (NPPG) has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.
- 2.14 Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, *'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'*.
- 2.15 In view of the factors set out above the tilted balance in paragraph 14 applies.

3.0 PLANNING ISSUES

3.1 A scheme to demolish the existing building and erection a new building comprising 1no 3 bed dwelling and 1no 1bed flat was subject to a Pre-Application Advice under reference PAA/101/17.

3.2 In the response letter dated 19 September 2017 the author [Mr D Easton] identified 9 issues for consideration:

- Principle
- Design
- Neighbour Amenity
- Amenity Space Provision
- Bin Storage
- Affordable Housing
- Highways, Transport and Parking Sustainability
- Sustainable Construction
- Flooding/Drainage

3.3 I do not consider that there are any issues regarding: bin storage, affordable housing, sustainable construction and flooding/drainage so I will concentrate on the remaining issues. I have set out below for each issue the concerns raised by Mr Easton and how I consider that current application has addressed the concerns that he raised.

Principle

3.4 Mr Easton noted that "The site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. The key policy considerations in the determination of this application are considered to be GEN7 of the AD LP and the NPPF." Accordingly, there is no issue of the principle of the development.

3.5 Planning Design Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of scale, density and layout.

3.6 The amount of development currently existing on site and that proposed in this application is identical. There is NO increase in the intensity of the development.

- 3.7 The proposed development will see the existing building demolished and a new building erected on the site. The proposed replacement building will measure approximately 16.7m in width, 9.8m in depth, with an eaves height of 3.17m and a maximum ridge height of 6.7m. The proposal will feature full width dormers on the primary and rear elevations. It is intended for two dwellings to be provided on site – 1no 3bed dwelling and 1no 1bed flat.
- 3.8 Mr Easton stated with regard to scale: *"The proposal will be significantly larger than the existing chalet bungalow with the ridge height approximately 0.8m higher than the existing building and the proposal exceeding the width of the existing house by 5.4m. The roof design is also considered to result in significantly more bulk and mass than that of the existing dwelling. However, despite this it is considered that the scale of the proposed building is acceptable and will not adversely impact upon the character or spatial pattern of the streetscene."* Accordingly, there is no issue between us on scale.
- 3.9 Mr Easton had concern with regard to the proposed second unit of accommodation on the site which would consist of a ground floor unit featuring a bedroom, bathroom and living room/kitchen. He noted that: *"the proposed ground floor unit will have internal measurements of 7.6m x 4.6m resulting in a gross internal floor area of 34.96m². This internal floor area falls approximately 5m² below the minimum standards specified within the Nationally Described Space Standards for a 1 bedroom flat."*
- 3.10 In this regard I can confirm that the size of the ground floor flat has now been enlarged so that it has a gross internal floor area of 37 m². Table 1 of the NDSS makes clear that a 1person 1bed flat with a shower room requires a minimum gross internal floor area of 37m² and this is exactly what the application scheme provides. Accordingly, there is no longer any issue on internal space standards.
- 3.11 Mr Easton then sought to argue that since the existing dwelling is subdivided into two separate units of accommodation was the subject of a lawful development certificate granted due to the passage of time, rather than having permission the new similar arrangement was unacceptable. This is a wholly incorrect approach to take. The current situation is lawful. It must therefore be taken into account when assessing the impact of the proposal. Accordingly, since the separation is near to identical to that which currently exists, there can be no objection in principle to that arrangement continuing.
- 3.12 In the light of the above factors, it is considered that the amended design of the proposal which is currently before the council is wholly acceptable and is in accordance with policy GEN7(ii) of the ADLP.

Neighbour Amenity

- 3.13 Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.
- 3.14 The pre-app design of the replacement dwelling contained a number of first floor windows on the rear elevation (western) and as such Mr Easton considered they had the potential to give rise to adverse overlooking of 5 Tuscan Avenue. He also considered that a separation distance of 4.3m between the proposed development and the existing residential property to the west would give rise to adverse overbearing and overshadowing impacts upon its ground floor windows.
- 3.15 However, it must be acknowledged that the existing dwelling features 2 no. first floor windows on the western elevation. Moreover, the amended design has ensured that the proposed windows in this location will serve bathrooms and a dressing room and as such obscured glazing could be secured via condition. The windows are annotated to be both obscure glazed and non-opening below 1.7m above finished floor level.
- 3.16 Finally, the pre-application site plan had the incorrect scale on it so the 4.3m separation distance noted by Mr Easton was wrong. As a matter of fact the distance of the new west elevation to the boundary will be 6.2m and No 5 is a further 1m away, providing an overall distance of 6.2m. The current property on site has a rear gable with a window in the west elevation and this is some 2m forward of the new western wall. Accordingly, under the application scheme the separation distance will be greater and habitable windows looking west at first floor level will be removed.
- 3.17 In view of the facts set out above, the increased separation distance and removal of overlooking first floor windows ensures that the design of the proposal will not give rise to unacceptably adverse harm to the residential amenity of 5 Tuscan Avenue. Accordingly, there will be no conflict with policy GEN7(iv) of the ADLP.

Amenity Space Provision

- 3.18 Good design should contribute positively to making places better for people by creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Policy GEN7 of the Arun District Local Plan indicates that development will be permitted provided that amongst other considerations, the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local

plan and Central Government Advice.

- 3.19 The larger of the proposed units will feature a rear garden with a depth of approximately 6.2m with a width of 11.3m resulting in an area of 70m² and this is significantly greater than the 27.36m² that Mr Easton thought would exist. Policy D DM3 of the emerging Local Plan seeks to secure adequate private amenity space, in this case an area of private amenity space sought would be 85m² with a depth of 10m. However, it should be noted that this application is a redevelopment of the site. Mr Easton did not consider a garden area for the 3bed property of just 27m² to be unacceptable so an actual figure of 70m² has to be very acceptable.
- 3.20 Mr Easton considered that the proposed 1 bedroom unit would have no private amenity space with the land to the west of the site being allocated for parking. He considered this lack of any suitable located private amenity space to conflict with policy D DM3 of the emerging Local Plan and was deemed to have an unacceptably adverse effect on the amenity of existing or future occupiers of the site in conflict with paragraph 17 of the NPPF.
- 3.21 I can see how he came to that conclusion since the site plan scale was incorrect and the parking space was not well positioned. In the application proposal the facts are materially different. The parking space is in the north-west corner and this allows amenity space to the east and south of that parking space. This area is some 31.2m² which is in fact greater than the 27m² that Mr Easton considered to be acceptable for the 3bed property in the pre-application scheme.
- 3.22 On the basis of these facts both properties will have suitably located private amenity space and of an appropriate size that is in accordance with policy D DM3 of the emerging Local Plan and with paragraph 17 of the NPPF.

Highways, Transport and Parking Sustainability

- 3.23 Planning policies allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians, and car parking. Car parking requirements will vary according to accessibility of the site to public transport or services, or location within a town centre.
- 3.24 In normal circumstances the maximum parking requirement in this location would be a provision of 2 spaces for the three-bedroom dwelling and 1 space for the one-bedroom unit.
- 3.25 However, regard must be had to the current parking arrangement on the site. There is just one parking space provided in the northwest corner of the property. Therefore the provision of an additional space would be more than adequate.
- 3.26 Therefore, it is considered that there would be an appropriate provision of parking at the site.

4.0 CONCLUSIONS:

- 4.1 There is an acute housing shortfall in Arun, with less than a 3-year housing supply. A clear presumption in favour of new housing development exists and restrictive countryside policies are of no effect. The tilted balance applies in this case.
- 4.2 The concerns raised by the Council in the pre-application scheme have all been addressed and the redevelopment scheme represents a wholly appropriate form of development.
- 4.3 In particular, the design is appropriate; there is no adverse impact on the amenities of neighbouring properties; there is adequate internal and external space of the occupiers of the proposed units; and, there is adequate parking.
- 4.4 There is full compliance with 2003 Local Plan Policy GEN7 and emerging Local Plan Policies DM1, DDM2, D DM3, D DM4 and D SP1.
- 4.5 The planning balance clearly indicates that planning permission ought to be granted.